



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

ORIGINAL



SDMS DocID 2096210

INFORMATION REQUEST

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

JUL 30 2008

IBM Corporation
Michael R. Galligan, Esq.
Route 100
Somers, NY 10589

**Re: Required Submission of Information
Chem Fab Corporation Site, Doylestown, Bucks County, Pennsylvania**

Dear Mr. Galligan:

The U.S. Environmental Protection Agency ("EPA") is seeking information concerning a release, or the threat of release, of hazardous substances, pollutants or contaminants into the environment at the Chem Fab Corporation Site, located at 300 North Broad Street, Doylestown, Pennsylvania (hereinafter the "Site"). By letter dated May 22, 2007, EPA required that IBM (hereinafter "you") provide certain information relating to the Site pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e). EPA received your response, dated July 23, 2007, but requires additional information.

Pursuant to the authority of Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), EPA has the authority to require you to furnish all information and documents in your possession, custody or control, or in the possession, custody or control of any of your employees or agents, which concern, refer, or relate to hazardous substances, as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and pollutants and/or contaminants, as defined by Section 101(33) of CERCLA, 42 U.S.C. § 9601(33), which were transported to, stored, treated, or disposed of at the Site (see Enclosure 4: Site Location Map).

Section 104 of CERCLA authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information that you provide may be used by EPA in administrative, civil, or criminal proceedings.

Instructions for responding to this required submission of information are provided below.

INSTRUCTIONS

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please

see Enclosure 1, *Business Confidentiality Claims/Disclosure to EPA Contractors & Grantees of Your Response*. You must clearly mark such information by either stamping or using any other form of notice that such information is trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

2. Please provide a separate, detailed narrative response to each question, and to each subpart of a question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question(s) or subpart of the question(s) to which it responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure 2, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure 2. Those terms shall have the meaning set forth in Enclosure 2 any time such terms are used in this Information Request and/or its Enclosures.

QUESTIONS

1. In your July 23, 2007 response to EPA's information request you indicated that between 1965-1999 IBM produced wastes including "metal-bearing plating wastes, precious metals, lubricating oils, chlorinated solvents, acids."
 - a. Did the wastes produced by IBM during this time frame include chromic acid?
 - b. Did the wastes produced by IBM during this time frame contain or include chromium and/or hexavalent chromium?
 - c. Identify the process(es) in which IBM used or generated chromic acid, chromium, hexavalent chromium, or any materials or wastes containing any of these substances.
2. In your July 23, 2007 response to EPA's information request you indicated that between 1965-1999 IBM had arrangements with Manfred DeRewal, Echo Corporation, Revere Chemical Company, Revere Chemical Transport, MACs Associates, Advanced Environmental Technology Corporation, and Matlack Transportation Co. When asked

for details regarding these arrangements, IBM responded that it did not have records relating to waste disposed of *at the Chem-Fab Site*. For each of the above-described persons/entities, please respond to the following *whether or not you believe such arrangements had anything to do with the Chem-Fab Site*:

- a. Identify the dates such arrangements were in effect;
- b. Identify the purpose of such arrangements (i.e., the good/services acquired from or sold by IBM to each of the persons/entities);
- c. Identify each date on which each above-referenced person/entity collected waste containing or including chromic acid or chromium/hexavalent chromium from IBM's facilities and provide the following information:
 - 1) For each such date identify the nature and quantity of the wastes collected including the chemical content, characteristics, physical state (i.e., liquid, solid), and the process for which the substances was used or that generated the waste.
 - 2) For each such date identify the method used to transport the wastes (e.g., tanker truck, flatbed truck, etc.)
 - 3) Identify the person(s) who collected waste from IBM's facilities on each date identified;
 - 4) Provide copies of all documents related to or concerning the collection of such wastes on each date.
- d. Identify each date on which each above-referenced person/entity collected waste other than that described in 2C, above, from IBM's facilities and provide the following information:
 - 1) For each such date identify the nature and quantity of the wastes collected including the chemical content, characteristics, physical state (i.e., liquid, solid), and the process for which the substances was used or that generated the waste.
 - 2) For each such date identify the method used to transport the wastes (e.g., tanker truck, flatbed truck, etc.)
 - 3) Identify the person(s) who collected waste from IBM's facilities on each date identified;
 - 4) Provide copies of all documents related to or concerning the collection of such wastes on each date.

3. Provide the name, title, address, and telephone number of the person answering these questions on behalf of the respondent.
4. For each question, provide the name, title, area of responsibility, current address and telephone number of all persons consulted in the preparation of the answers.
5. If you have reason to believe that there may be persons able to provide more detailed or complete responses to any question contained herein or who may be able to provide additional responsive documents, provide the names, titles, areas of responsibility, current addresses, and telephone numbers of such persons and describe the additional information or documents they may have.
6. For each and every question contained herein, if responsive information or documents are not in your possession, custody or control, then provide the names, titles, areas of responsibility, current addresses and telephone numbers of the persons from whom such information or documents may be obtained.

You must respond in writing to this required submission of information within **thirty (30) calendar days** of your receipt of this letter.

If, for any reason, you do not provide all information responsive to this letter, your answer to EPA must: (1) describe specifically what was not provided, and (2) provide EPA an appropriate reason why the information was not provided.

All documents and information should be sent to:

Ms. Joan Martin Banks (3HS62)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

If you have any PRP Search questions concerning this matter, please contact Civil Investigator Joan Martin-Banks at (215) 814-3156. If you have any legal questions, please contact Senior Assistant Regional Counsel Andrew Goldman of EPA's Office of Regional Counsel at (215) 814-2487.

Sincerely,



Karen Melvin, Associate Director
Office of Enforcement
Hazardous Site Cleanup Division
EPA Region III

- Enclosures:
1. Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees
 2. Definitions
 3. List of Contractors That May Review Your Response
 4. Site Location Map

cc: Andrew Goldman, Esq., (3RC41)
Huu Ngo, RPM, (3HS21)
Craig Olewiler, PADEP

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Enclosure 1

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Section 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

Disclosure Of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (See Enclosure 3) to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employment Program (SEE Enrollees). The SEE program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to CERCLA, 42 U.S.C. Section 9604(e)(7) and EPA's regulations at 40 C.F.R. Section 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure 3, you must notify EPA in writing at the time you submit such documents.

Enclosure 2**Definitions**

1. The term "arrangement" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
2. The term "documents" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, interoffice and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
3. The term "hazardous substance" means (a) any substance designated pursuant to Section 1321(b)(2)(A) of Title 33 of the U.S. Code, (b) any element, compound, mixture, solution, or substance designated pursuant to Section 102 of CERCLA 42 U.S.C. Section 9602, any hazardous "waste" having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (42 U.S.C. Section 6921) (but not including any "waste" the regulation of which under the Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.) has been suspended by Act of Congress), (d) any toxic pollutant listed under Section 1317(a) of Title 33, (e) any hazardous air pollutant listed under Section 112 of the Clean Air Act (42 U.S.C. Section 7412), and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to Section 2606 of Title 15 of the U.S. Code. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

4. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).
5. The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act (42 U.S.C. Section 2210), or, for the purposes of Section 9604 of CERCLA or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under Sections 7912(a)(1) or 7942(a) of the Uranium Mill Tailings Radiation Control Act of 1978, 42 U.S.C. 7912 (a)(1) or 7942 (9), and (d) the normal application of fertilizer.
6. The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid "waste," hazardous "waste," hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
7. The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, holding companies.

Enclosure 3

[rev. 10/2007]

List of Contractors That May Review Your Response

- Chenega Integrated Systems, LLC
Contract #EP-S3-04-01
Subcontractors:
DPRA
Tri-State Enterprise Corporation
- Tetra Tech EM, Inc.
Contract #68-S3-0002
Subcontractor:
Eagle Instruments, Inc.
- Ecology and Environment, Inc.
Contract #68-S3-0001
Subcontractor:
S & S Engineers, Inc.
- IT Corporation
Contract #68-S3-00-06
Subcontractors:
Weavertown Environmental Group
Environmental Restoration Company
- Earth Tech, Inc.
Contract #68-S3-00-07
Subcontractors:
Industrial Marine Services, Inc.
Cline Oil
Hertz Equipment Rental
- EA Engineering, Science and Technology, Inc.
Contract #EP-S3-07-07
Subcontractor:
URS
- Tetra Tech NUS, Inc.
Contract #EP-S3-07-04
- Hydrogeologic (HGL)
Contract #EP-S3-07-05
Subcontractor: CH2MHill
- CDM-Federal Programs Corporation
Contract # EP-S3-07-06
Subcontractors:
L. Robert Kimball & Associates Inc.
Page Technologies Inc.
Avatar Environmental LLC
Terradon Corporation
- Eisenstein Malanchuck, LLP
Contract #EP-W-06-014
Subcontractors:
James C. Hermann & Associates
R. M. Fields International, LLC
McRae & Company, Inc.
- Tech Law, Inc.
Contract #EP-S3-04-03
- WRS Infrastructure & Environment, Inc. -
Contract # 68-S3-03-02
- Kemron Environmental Services
Contract # 68-S3-03-05
- Industrial Marine Services, Inc.
Contract # 68-S3-03-03
- Guardian Environmental Services, Inc.
Contract # 68-S3-03-04
- Booz-Allen & Hamilton
Contract # GS-10F-0090J (GSA Schedule)
- Booz-Allen & Hamilton
Contract # GS-35F-0306J (GSA Schedule)
- Artic Slope Regional Corporation
Contract # EP-W-05-052
Subcontractor: Booz-Allen & Hamilton

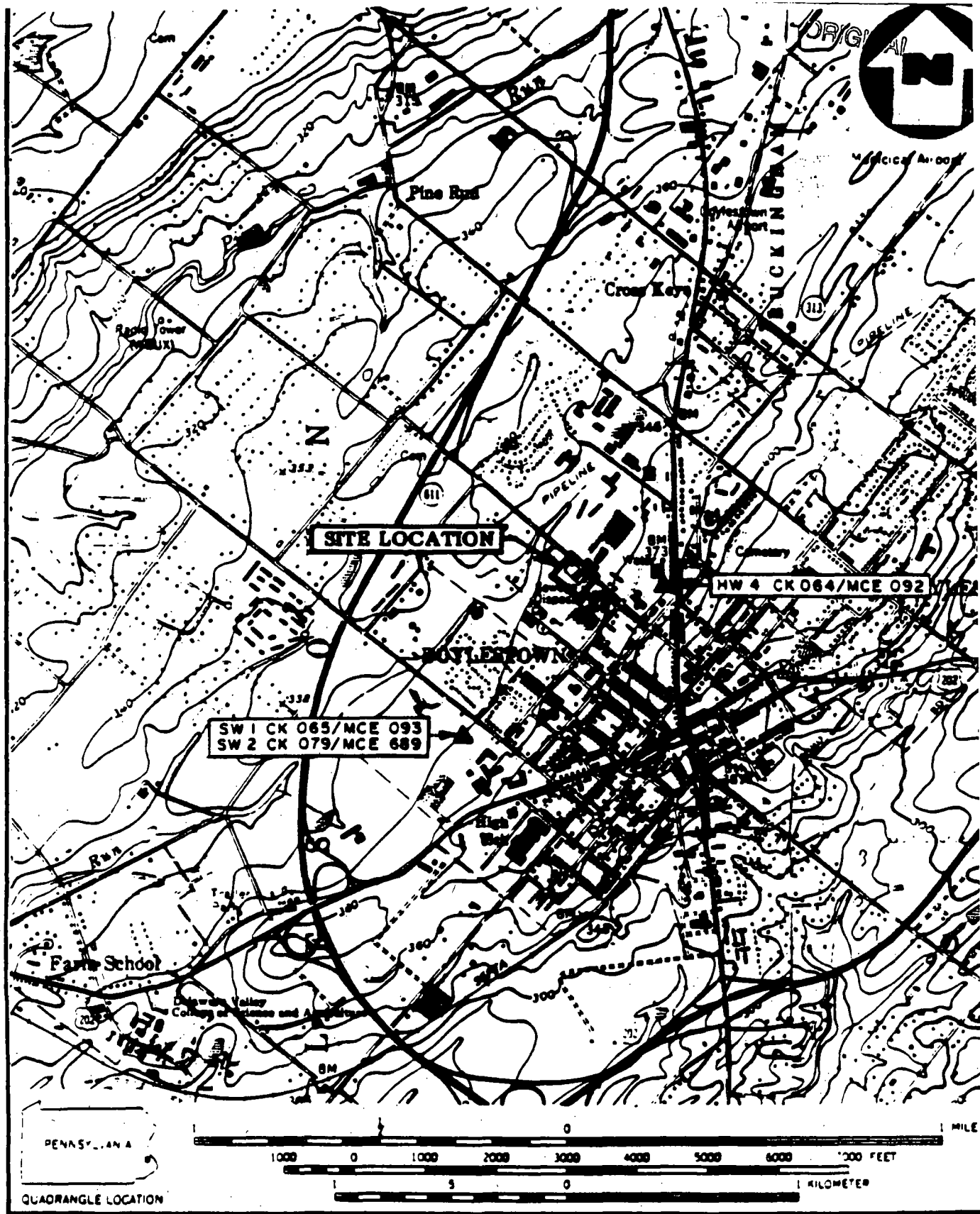
List of Inter-Agency Agreements

- General Services Administration
CERCLIS/FCT/ICIS
Contractor: Booz-Allen & Hamilton
- General Services Administration
Breslube Penn Superfund Site
Contractor: Booz-Allen & Hamilton

List of Cooperative Agreements

- National Association of Hispanic Elderly
#CQ-822511
- AARP Foundation (Senior Environmental Employment)

#824021
#823952
- National Older Work Career Center, Inc.
(NOWCC)- #CQ-830919



SOURCE: (7.5 MINUTE SERIES) U.S.G.S. DOYLESTOWN & BUCKINGHAM, PA QUADS.

OFF-SITE SAMPLE LOCATIONS
CHEM-FAB, DOYLESTOWN, PA
 SCALE 1: 24000

FIGURE 5.2



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IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047